

REMARKS

This Amendment, submitted in response to the Office Action dated July 9, 2008, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-14 are all the claims pending in the application. Claims 2-3, 7-8, 10-11 and 13 have been amended for clarity and form.

I. Claim Rejections under 35 U.S.C. § 112

Claims 1-14:

Claims 1-14 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connects. Applicant understands the Examiner's rejection to assert that the specification fails to set forth adequate disclosure to allow one of ordinary skill in the art to understand what structure will perform the recited function of the means plus function limitations of the claims. Applicant respectfully traverses the rejection.

"The disclosure of the structure . . . may be implicit or inherent in the specification if it would have been clear to those skilled in the art what structure . . . corresponds to the means-
[+]plus function claim limitation." (See MPEP 2181(II) and *In re Dossel*, 115 F.3d 942, 946-47 (Fed. Cir. 1997)). In *In re Dossel*, the Federal Circuit stated:

Clearly, a unit which receives digital data, performs complex mathematical computations and outputs the results . . . must be implemented by or on a general or special purpose computer (although it is not clear why the written description does not simply state 'computer' or some equivalent phrase.)

(*Id.*) In the present application, Applicant respectfully submits that it would have been equally clear to those skilled in the art that the “means for receiving”, “control means”, and “means for correlating” of claim 1, and the “means for receiving” and “means for communicating” of claims 9 and 14 “must be implemented by or on a general or special purpose computer” even assuming *arguendo* that this is not be explicitly stated in the specification.

Further, Applicant respectfully submits that the specification is not devoid of exemplary, non-limiting examples of structure which would have further allowed those of skill in the art to reach the conclusion that the claimed means “must be implemented by or on a general or special purpose computer”. In particular, the specification gives such non-limiting examples at least on pages 1, 2, 6 and 7. Finally, in view of the disclosure as a whole, Applicant respectfully submits that the disclosure of structure is “implicit or inherent in the specification [because] it would have been clear to those skilled in the art what structure . . . corresponds to the means-[]plus function claim limitation[s].”

Accordingly, Applicant respectfully submits that claims 1-14 comply with the requirements of 35 U.S.C. § 112, second paragraph. Thus, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 112, second paragraph to claims 1-14.

Claims 2-3, 8-9, 11 and 13:

Claims 2-3, 8-9, 11, and 13 stand rejected under 35 U.S.C. § 112, Second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. However, based on a review of the rejection to claim 9 on page 3 of the Office Action. Applicant respectfully submits that the Examiner intended to reject claim 10 instead of claim 9. If the Examiner should disagree, Applicant

respectfully requests the Examiner to point to where in claim 9 the rejected language regarding “5-tuples” is recited. As such, Applicant will address the rejection to claim 9 as if it were made to claim 10.

Claims 2-3, 7 and 10-11:

Applicant respectfully requests the Examiner withdraw the rejection to claims 2-3, 7 and 10-11 under 35 U.S.C. § 112, second paragraph in view of the self-explanatory amendments presented above.

Claims 8 and 13:

Applicant respectfully requests the Examiner withdraw the rejection to claims 8 and 13 under 35 U.S.C. § 112, second paragraph in view of the self-explanatory amendments presented above. In particular, the Examiner asserted that the specification does not explicitly state the function of anticipating microflows of return packets and considering the anticipated microflows in determining the correlated resource reservation requests and further that “it is unclear whether the return packets are correlated with an existing set of correlated resource reservation requests or if a new set of correlated reservation requests is created for the return flows.”

With regard to the Examiner’s statements, Applicant respectfully submits that it is clear in view of the specification that “the control device” anticipates the return microflows and **considers these microflows in determining the correlated resource reservation requests.** (See Specification, P. 4, Lns. 19-34). Regarding whether the return microflows are correlated with the outgoing microflows is not pertinent to current claim as the claim is not directed to this subject matter. In other words, the return microflows may or may not be correlated with the

outgoing microflows because the claims are not limited to either embodiment proposed by the Examiner.

Accordingly, Applicant respectfully submits that claims 8 and 13 comply with the requirements of 35 U.S.C. § 112, second paragraph. Thus, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 112, second paragraph to claims 8 and 13.

II. Specification

Applicant respectfully requests the Examiner withdraw the objections to the Specification in view of the self-explanatory amendments to claims 8 and 13 presented above and Applicant's comments presented above.

III. Claim Rejections under 35 U.S.C. § 102

Claims 1, 5-7, 9, 12 and 14 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Oosthoek et al (U.S. Publication No. 2002/0156599). Applicant respectfully traverses the rejection.

Claim 1 recites, *inter alia*,

means for correlating the quality of service requests so as to define at least one set of a plurality of correlated microflows;

wherein the control means effects said control of said elements of said data network only once for the quality of service requests of each said set

In the Office Action, the Examiner asserted that the ingress node 16 of Oosthoek teaches or suggests the above requirements of the claims. In particular, Oosthoek relates to a system in which reservation requests for microflows of each Class of Service in an interior network between an ingress node 16 and egress node 18 are aggregated by the ingress node 16. In

particular, for each new microflow of a Class of Service, a new reservation request is sent to the interior network nodes which specifies an aggregated amount of resources for all microflows of that Class of Service. (Oosthoek, para. [0020]-[0023]). For each microflow that is terminated, an amount of resources is released for the class of service. (*Id.*) The Examiner cited the ingress node 16 as the “control means” and the aggregated microflows of each class of service as the “set of a plurality of correlated of microflows”.

Applicant respectfully submits that, as interpreted by the Examiner, it is clear from the above that Oosthoek fails to teach or suggest “the control means effects said control of said elements of said data network only once for the quality of service requests of each said set”. In particular, Applicant respectfully submits that it is clear that a new reservation request, i.e. controlling of the interior nodes, is performed for each new microflow of the Class of Service and each terminated microflow of the Class of Service. In other words, for the set of a plurality of aggregated or correlated microflows, the ingress node 16 (cited as the control means) performs control of the elements more than one time. As such, Applicant respectfully submits Oosthoek fails to teach or suggest “the control means effects said control of said elements of said data network only once for the quality of service requests of each said set”.

Accordingly, Applicant respectfully submits that claim 1 is not anticipated under 35 U.S.C. § 102(e) by Oosthoek, because the reference does not disclose all of the features and limitations of the claim. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claim 1, and claims 5-7 at least by virtue of their dependency from claim 1.

Further, Applicant submits that independent claims 9 and 14 and dependant claim 12 are also patentable over Oosthoek for at least the same or similar reasons. As such, Applicant respectfully requests the Examiner withdraw the rejections of independent claims 9 and 14 and dependent claim 12.

IV. Claim Rejections under 35 U.S.C. § 103

Claims 2-4 and 10-11:

Claims 2-4 and 10-11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Oosthoek (U.S. Publication No. 2002/0156599) in view of Bolding et al. (U.S. Patent No. 7,272,651). Applicant respectfully traverses the rejection.

Above, Applicant pointed out that Oosthoek is deficient vis-à-vis independent claims 1 and 9. Applicant respectfully submits that Bolding fails to compensate for the deficiencies of Oosthoek. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these two references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claims 1 and 9, much less dependent claims 2-4 and 10-11.

Therefore, claims 2-4 and 10-11 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 2-4 and 10-11.

Claims 8 and 13:

Claims 8 and 13 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Oosthoek (U.S. Publication No. 2002/0156599) in view of Mohaban et al. (U.S. Patent No. 6,788,647). Applicant respectfully traverses the rejection.

Above, Applicant pointed out that Oosthoek is deficient vis-à-vis independent claims 1 and 9. Applicant respectfully submits that Mohaban fails to compensate for the deficiencies of Oosthoek. Even taken for what they would have meant as a whole to an artisan of ordinary skill, the combined teachings of these two references would not have (and could not have) led the artisan of ordinary skill to the subject matter of independent claims 1 and 9, much less dependent claims 8 and 13.

Therefore, claims 8 and 13 would not have been obvious within the meaning of 35 U.S.C. §103(a). Additional, untaught modifications would have been necessary.

Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of claims 8 and 13.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

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/Logan J. Brown 58,290/
Logan J. Brown
Registration No. 58,290